

REMARKS

Claims 1-7, 9-13, and 15-21, as amended, and new claims 22-23 are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, claims 1, 9, and 15 have been rewritten to further clarify the invention. Claims 20-21 have also been amended to maintain consistency with the independent claims from which they depend. In addition, new claims 22-23 have been added and are fully supported by the Written Description. *See, e.g.*, Page 6, lines 12-15. As no new matter has been added, Applicants respectfully request entry of these amendments at this time.

THE DOUBLE PATENTING REJECTION

The Examiner provisionally rejected claims 1, 9, and 15 on the ground of nonstatutory obviousness-type double patenting as obvious over co-pending Application 10/861,441. Office Action at Pages 3-5.

With the reasonable assumption that the instant application is in condition for allowance, Applicants again respectfully request that the Examiner withdraw the rejection in the instant application and permit the instant application to issue as a patent. According to MPEP § 804(I)(b), if the “provisional” double patenting rejection is the only rejection remaining in the instant application, the Examiner should withdraw the rejection and permit the instant application to issue as a patent, thereby converting any future “provisional” double patenting rejections in the other application, *i.e.*, the ‘441 application, into a double patenting rejection at the time the instant application issues as a patent. Currently, the ‘441 application is pending after receiving a non-final rejection.

In light of this discussion, Applicants respectfully request reconsideration and withdrawal of the provisional double patenting rejection.

THE REJECTIONS UNDER 35 U.S.C. §§ 101 and 112

Applicants appreciate the withdrawal of the rejections under 35 U.S.C. §§ 101 and 112.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-3, 7, and 15-16 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2001/0029207 to Cameron et al. (“Cameron”) in view of U.S. Patent Publication No. 2002/0038294 to Matsugu (“Matsugu”). In addition, the Examiner rejected claims 4-6, 9-13, and 17-18 under § 103(a) as being obvious over Cameron and Matsugu in view of U.S. Patent No. 7,184,569 to Lawandy. Finally, the Examiner rejected claims 19-21 under § 103(a) as being obvious over Cameron.

As a threshold matter, Applicants renew and incorporate the arguments made in the previous response dated October 20, 2009 (“the previous response”). As set forth in more detail in the previous response, Cameron fails to disclose or suggest a method of identifying a particular type of golf club or ball by comparison to a library of stored images, as previously recited and now further clarified in the claims.

It appears from the Examiner’s response to amendments and arguments that the Examiner is of the opinion that identifying a golf club or ball from a library of stored images is identical to analyzing the performance of a golf ball following impact with a golf club as disclosed in Cameron. Office Action at Page 2. While Applicants disagree with the Examiner’s broad interpretation of the claim language and applied references, Applicants have taken strides to further distinguish the differences between the instant claims and the method of analysis disclosed in Cameron in an attempt to advance prosecution and obtain a notice of allowance. In particular, the independent claims have been rewritten to more clearly capture the ability of claimed method and system to identify the type of club or ball in an acquired image. Applicants submit that Cameron is completely silent as to any method that could identify the type of golf club or ball from an image. Rather, Cameron relates to a method and system of analyzing a golfer’s swing. *See Abstract.*

Moreover, as discussed in greater detail in the previous response, since Matsugu and Lawandy are cited for limited purposes, neither reference remedies the deficiencies of Cameron with respect to the present invention. For example, Matsugu is cited for the purported disclosure of the use of Eigen values in pattern detection. Office Action at Page 6. In addition, Lawandy is cited for the use of markers on objects. Office Action at Page 7. As such, neither Matsugu nor Lawandy remedy the deficiencies of Cameron by disclosing or suggesting a method of identifying a particular type of golf club or ball based on a reference image.

In fact, even assuming for the sake of argument that a person of ordinary skill in the art would have combined Cameron with Lawandy and/or Matsuga without the instant claims to use as a template, the result of the combination would not have been the claimed invention. For example, since the only “output” of Cameron’s method is related to parameters obtained during an actual putting stroke, *e.g.*, angle of club shaft upon putter’s impact (Para. 0036), even if this data were to be converted into an Eigen value using the disclosure of Matsuga, there would be no comparison to a library of stored reference information to determine the club type or ball type at least because the Cameron method and system requires that “golfer 10 has been fitted with a golf club of known dimensions . . .” Para. 0027.

For at least these reasons, Applicants respectfully submit that no combination of Cameron, Matsugu, and Lawandy renders obvious the instant claims. As such, reconsideration and withdrawal of the rejections based thereon is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Request for Continued Examination is submitted with provision for the requisite fee. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-085-US01.

Respectfully submitted,
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